

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

REMARKS

1. Status of Claims

Claims 1-19 and 21 were pending in the Application. Applicants have amended claims 5 and 19 without prejudice or disclaimer. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-19 and 21 will remain pending in the application.

Alleged Official Notice. Applicants again dispute any alleged Official Notice as the Office Action is not clear as to the elements that the Examiner suggests are old and well known. Applicants again dispute any such statement unless expressly admitted herein. Applicants respectfully request appropriate references or an affidavit.

In relying on Official Notice, the MPEP instructs that only "notorious" facts used to "fill the gaps" in dependent claims is appropriate and its use should be rare at final rejection or later. See MPEP 2144.03.

In the first of two such uses, Applicants are unsure what the Examiner intends to take by Official Notice by the statement "that high-volume mailers may have different needs than low-volume mailers" and the other statements listed on page 8 of the Office Action. While it may be true that certain high-volume mailers may have certain different needs, or not as the case may be for a particular need, than low-volume mailers, that language is not used in the claim.

In the last of two such uses, the Examiner at page 9 states that "computer instructions comprise a text string", but claim 7 recites: "data collection segregation rules comprise a text string." It is unclear what the Examiner intends to take as Official Notice. While it may be true that certain computer instructions comprise a text string, that language is not used in the claim.

Applicants do not discern any other intended statements of Official Notice and thus dispute any such statements.

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

2. Rejections under 35 USC § 103

In section 11 of the Office Action, the Examiner rejected Claims 1-7 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871") in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998").

Applicants respectfully traverse the rejection. Applicants disagree with the Examiner's interpretation of the Reisinger '292 reference and disagree with the stated rationale supporting the purported combination of the references.

With regard to independent claim 1, on page 5 of the Office Action, the Examiner suggests that Reisinger '292 teaches the following element:

using the controller, processing an update of the first set of data collection segregation rules before collecting a second set of usage data if the first set of data collection segregation rules are not current and not processing an update of the first set of data collection segregation rules before collecting the usage data if the data collection rules are current.

However, the reference apparently does not teach or suggest the data collection processing timing claimed and instead only describes updating statistics modes.

Applicants reserve the right to antedate the Ramachandran '998 as may be appropriate. Moreover, Applicants respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe "translating the first set of usage data using the second set of data collection rules" as presently claimed. On page 3 of the Office Action, the Examiner states that such translation is described at paragraphs 0183-0192 with paragraph 0191 allegedly describing a second set of data collection rules. It is clear however, that the reference does not describe usage data collected under a first set of rules and then translated using a second set of data collection rules. Similarly, paragraph 0192 does not teach or suggest two sets of data collection rules.

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

Moreover, one of skill in the art would not look to Ramachandran '998 to modify Reisinger '292 at least because they are not analogous art. Accordingly, Applicants respectfully submit that independent claim 1 is patentable over the cited reference. Claims 2-7 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

With regard to claims 2-3, the reference as cited apparently does not teach or suggest a meter segment type as claimed (e.g., projected usage pattern, etc.).

With regard to claim 4, please see discussion of Official Notice above.

With regard to claim 6, the reference as cited does not appear to teach or suggest storing two sets of rules, but rather updating the one rules set for future use.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 1-7.

In section 12 of the Office Action, the Examiner rejected Claims 8-10, and 17 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614") and in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998").

Applicants respectfully traverse the rejection. Applicants disagree with the Examiner's interpretation of the Reisinger '292 reference and disagree with the stated rationale supporting the purported combination of the references.

With regard to independent claim 8, on page 10 of the Office Action, the Examiner suggests that Reisinger '292 teaches the following elements:

processing an update of the first set of data collection segregation rules before collecting a second set of usage data if the first set of data collection segregation rules are not current and not processing an update of the first set of data collection segregation rules before collecting the usage data if the data collection rules are current, wherein
processing the update includes obtaining a second set of data collection rules; and further comprising:
translating the first set of usage data using the second set of data collection rules.

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

However, the reference apparently does not teach or suggest the data collection processing timing claimed and instead only describes updating statistics modes.

Applicants reserve the right to antedate the Ramachandran '998 as may be appropriate. Moreover, Applicants respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe "translating the first set of usage data using the second set of data collection rules" as presently claimed. On page 3 of the Office Action, the Examiner states that such translation is described at paragraphs 0183-0192 with paragraph 0191 allegedly describing a second set of data collection rules. It is clear however, that the reference does not describe usage data collected under a first set of rules and then translated using a second set of data collection rules. Similarly, paragraph 0192 does not teach or suggest two sets of data collection rules.

Moreover, one of skill in the art would not look to Ramachandran '998 to modify Reisinger '292 at least because they are not analogous art.

Accordingly, Applicants respectfully submit that independent claim 8 is patentable over the cited reference. Claims 9-10 and 17 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 8-10 and 17.

In section 13 of the Office Action, the Examiner rejected Claim 11 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614") in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998") and further in view of U.S. Patent No. 6,226,626 B1 to Thiel ("Thiel '626").

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

Accordingly, Applicants respectfully submit that dependent claim 11 is patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 11.

In section 14 of the Office Action, the Examiner rejected Claims 12-13 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614"), in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), in further in view of U.S. Patent No. 6,226,626 B1 to Thiel ("Thiel '626") and in further view of U.S. Patent No. 6,650,433 B1 to Keane, et al. ("Keane '433").

Applicants respectfully submit that dependent claims 12-13 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Moreover, one of skill in the art would not look to Keane '433 to modify Reisinger '292 at least because it is not analogous art.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 12-13.

In section 15 of the Office Action, the Examiner rejected Claim 14 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614") in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), and further in view of U.S. Patent Applicant Publication No. 2003/0097337 A1 by Brookner, et al. ("Brookner '337").

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

Applicants respectfully submit that dependent claim 14 is patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 14.

In section 16 of the Office Action, the Examiner rejected Claims 15-16 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614"), in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), in further in view of U.S. Patent No. 5,383,115 to Lecarpentier ("Lecarpentier '115") and in further view of U.S. Patent No. 6,208,980 B1 to Kara ("Kara '980").

Applicants respectfully traverse the rejection. Applicants respectfully submit that dependent claims 15-16 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 15-16.

In section 17 of the Office Action, the Examiner rejected Claims 18-19 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614"), in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), in further in view of U.S. Patent No. 5,715,164 to Liechti, et al. ("Liechti '164").

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

Applicants respectfully submit that dependent claims 18-19 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 18-19.

In section 18 of the Office Action, the Examiner rejected Claim 21 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998").

Applicants respectfully traverse the rejection. Applicants disagree with the Examiner's interpretation of the Reisinger '292 reference and disagree with the stated rationale supporting the purported combination of the references.

With regard to independent claim 21, on pages 22-23 of the Office Action, the Examiner suggests that Reisinger '292 teaches the following elements:

if the first set of data collection segregation rules are not current, processing an update of the first set of data collection segregation rules before collecting a second set of usage data by storing a second set of data segregation rules in the second data collection segmentation rules memory store, and not processing an update of the first set of data collection segregation rules before collecting the usage data if the first set of data collection rules are current; and

then, if the first set of data collection segregation rules are updated, then storing additional usage data in the second usage data memory store and translating the first set of usage data using the second set of data collection rules, and if the first set of data segregation rules are not updated, then storing additional usage data in the first usage data memory store.

However, the reference apparently does not teach or suggest the data collection processing timing claimed and instead only describes updating statistics modes.

Applicants reserve the right to antedate the Ramachandran '998 as may be appropriate. Moreover, Applicants respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe "translating the first set of usage data using the second set of data collection rules" as suggested by the Examiner. On

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

page 3 of the Office Action, the Examiner states that such translation is described at paragraphs 0183-0192 with paragraph 0191 allegedly describing a second set of data collection rules. It is clear however, that the reference does not describe usage data collected under a first set of rules and then translated using a second set of data collection rules. Similarly, paragraph 0192 does not teach or suggest two sets of data collection rules.

Moreover, one of skill in the art would not look to Ramachandran '998 to modify Reisinger '292 at least because they are not analogous art. Additionally, Applicants respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe a second set of data collection rules as disclosed in the present application.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 21.

Accordingly, Applicants respectfully submit that the invention as presently claimed in claims 1-19 and 21 is patentable and in condition for allowance.

3. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

4. Authorization

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-388-O1.

Serial No.: 10/604,783
Attorney Docket No.: F-388-O1

Patent

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-388-O1.

Respectfully submitted,

/George M. Macdonald/

George M. Macdonald, Reg. No. 39,284
Attorney for Applicant
Telephone (203) 924-3180
PITNEY BOWES INC.
Intellectual Property and Technology Law Department
35 Waterview Drive, MSC 26-22
Shelton, CT 06484-8000